

*DERRICK CAMPBELL, ET AL. VS.
EMPIRE MERCHANTS, LLC*

*DERRICK CAMPBELL
March 27, 2017*



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DERRICK CAMPBELL, ET AL. VS.
EMPIRE MERCHANTS, LLC

DERRICK CAMPBELL
March 27, 2017

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1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK
3 -----x
4 DERRICK CAMPBELL, for himself and
5 on behalf of all others similarly
6 situated,
7
8 Plaintiffs,
9
10 - against -
11
12 EMPIRE MERCHANTS, LLC,
13
14 Defendant.
15
16 Index No. 16CV 5643
17 -----x
18
19 250 Park Avenue
20 New York, New York
21
22 March 27, 2017
23 10:15 a.m.
24
25
26 DEPOSITION of DERRICK CAMPBELL, before
27 Michele Moskowitz, a shorthand reporter and
28 Notary Public of the State of New York.
29
30
31
32
33 ELLEN GRAUER COURT REPORTING CO. LLC
34 126 East 56th Street, Fifth Floor
35 New York, New York 10022
36 212-750-6434
37 REF: 114368

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<p style="text-align: right;">Page 5</p> <p>1 DERRICK CAMPBELL, 2 after having first been duly sworn by a 3 Notary Public of the State of New York, 4 was examined and testified as follows: 5 6 (Complaint was marked Defendant's 7 Exhibit 1 for identification, as of this 8 date.) 9 (Plaintiffs' initial disclosures 10 were marked Defendant's Exhibit 2 for 11 identification, as of this date.) 12 (Plaintiffs' Responses to 13 Defendant's First Requests for the 14 Production of Documents was marked 15 Defendant's Exhibit 3 for identification, 16 as of this date.) 17 (Earnings statements were marked 18 Defendant's Exhibit 3-A for 19 identification, as of this date.) 20 (Plaintiffs' Responses to 21 Defendant's First Set of Interrogatories 22 was marked Plaintiff's Exhibit 4 for 23 identification, as of this date.) 24 EXAMINATION BY 25 MR. ROBERTS:</p>	<p style="text-align: right;">Page 7</p> <p>1 CAMPBELL 2 Q. It's about what you have to say 3 that you think supports the claims that you've 4 made in your lawsuit; do you understand that? 5 A. Yes. 6 Q. Just to get us started and lay the 7 ground, I'm going to show you a few documents. 8 The first is a document that is the Complaint, 9 it's called a Class Action Complaint in this 10 lawsuit. That's going to be Exhibit 1. 11 Have you seen that document before 12 today? 13 MR. RIVERA: Remember to verbalize 14 all of your answers. 15 MR. ROBERTS: Counsel, please. 16 Q. I'm sorry, have you seen that 17 document before today? 18 A. Yes. 19 Q. Do you remember when you first saw 20 it? 21 A. Yes. 22 Q. When? 23 A. This morning. 24 Q. This morning. How did you see it 25 this morning?</p>
<p style="text-align: right;">Page 6</p> <p>1 CAMPBELL 2 Q. Please state your name for the 3 record. 4 A. Derrick Campbell. 5 Q. Mr. Campbell, we are here for your 6 deposition in a lawsuit that you have filed 7 against Empire Merchants, LLC, and I'm going to 8 lay some ground about what a deposition is from 9 my perspective, but before I do that, have you 10 ever had a deposition before? 11 A. No. 12 Q. Have you ever testified in any kind 13 of proceeding before? 14 A. No. 15 Q. Well, let me explain that. An oath 16 was just administered to you and you swore that 17 you would tell the truth. The object of this 18 deposition is for me to ask questions about the 19 lawsuit you've filed against Empire Merchants, 20 LLC, and for you to answer those questions, so 21 if at any time you do not understand the 22 question I've asked, I want you to tell me that 23 because this is really more about you than it 24 is about me. 25 A. Okay.</p>	<p style="text-align: right;">Page 8</p> <p>1 CAMPBELL 2 A. My lawyer showed it to me. 3 Q. I'm going to show you a second 4 document, this is Exhibit 2. Exhibit 2 is 5 called Plaintiffs' Initial Disclosures. Have 6 you seen that document before today? Before I 7 showed it to you today? 8 A. Yes, I saw this. 9 Q. When did you see it before I showed 10 it to you today? 11 A. This morning. 12 Q. That's the first time you saw it? 13 A. Yes. 14 Q. That's the same thing with the 15 Class Action Complaint, that was the first time 16 you saw it, this morning? 17 A. Yes. 18 Q. I am showing you something marked 19 as Exhibit 3, that is called Plaintiffs' 20 Responses to Defendant's First Requests for the 21 Production of Documents. 22 A. I've never seen this one. 23 Q. So you've never seen Plaintiffs' 24 Responses to Defendant's First Requests for the 25 Production of Documents?</p>

<p style="text-align: right;">Page 9</p> <p>1 CAMPBELL</p> <p>2 A. No.</p> <p>3 Q. Until I showed it to you today?</p> <p>4 A. Yes.</p> <p>5 Q. I am showing you what's been marked</p> <p>6 as Exhibit 3-A, I'd like you to look through</p> <p>7 that if you would, please.</p> <p>8 A. Yes, I've seen this one.</p> <p>9 Q. This is a set of documents, at the</p> <p>10 bottom right it begins P 00001 and the last</p> <p>11 page is P 00011.</p> <p>12 A. (Indicating.)</p> <p>13 Q. At the bottom of the page.</p> <p>14 A. Yes.</p> <p>15 Q. These are documents that were</p> <p>16 produced to our law firm by the law firm</p> <p>17 representing you. The first of the documents</p> <p>18 says "earnings statement"; do you see that?</p> <p>19 The first one?</p> <p>20 A. Yes.</p> <p>21 Q. Then there are earnings statements</p> <p>22 through P 0009, do you see that?</p> <p>23 A. Yes.</p> <p>24 Q. Do you recognize those to be</p> <p>25 earnings statements that you received from</p>	<p style="text-align: right;">Page 11</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. Do you see a signature line and a</p> <p>4 signature on this page?</p> <p>5 A. Yes.</p> <p>6 Q. Do you see your name?</p> <p>7 A. Yes.</p> <p>8 Q. There's a signature above that, is</p> <p>9 that your signature?</p> <p>10 A. Yes.</p> <p>11 Q. It says above that "I, Derrick</p> <p>12 Campbell being duly sworn, depose and say I am</p> <p>13 a plaintiff in the within action. I have read</p> <p>14 the foregoing Plaintiffs' Responses to</p> <p>15 Defendant's First Set of Interrogatories and I</p> <p>16 have knowledge of their contents. The</p> <p>17 responses are true to the best of my knowledge</p> <p>18 except as to those responses asserted upon</p> <p>19 information and belief, and as to those I</p> <p>20 believe them to be true."</p> <p>21 That's the text that appears above</p> <p>22 your signature, isn't it?</p> <p>23 A. Yes, but I told you the first page</p> <p>24 look familiar, but I didn't remember.</p> <p>25 Q. You don't remember what?</p>
<p style="text-align: right;">Page 10</p> <p>1 CAMPBELL</p> <p>2 Empire Merchants LLC?</p> <p>3 A. Yes.</p> <p>4 Q. Are those all the earnings</p> <p>5 statements you received while you worked at</p> <p>6 Empire Merchants?</p> <p>7 A. Yes, sir.</p> <p>8 Q. We will come back to each of these</p> <p>9 documents at another time. I am now going to</p> <p>10 show you what is marked as Exhibit 4, that is</p> <p>11 Plaintiffs' Responses to Defendant's First Set</p> <p>12 of Interrogatories. As with the other</p> <p>13 documents, I would like you to look at this.</p> <p>14 A. So what answer are you looking for</p> <p>15 on this one?</p> <p>16 Q. Had you seen this before I gave it</p> <p>17 to you today?</p> <p>18 A. The front of the page look familiar</p> <p>19 but -- let me see. No, doesn't look familiar.</p> <p>20 Q. Thank you.</p> <p>21 A. You're welcome.</p> <p>22 Q. Today is March 27th; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Would you turn to next to the last</p> <p>25 page of Exhibit 4.</p>	<p style="text-align: right;">Page 12</p> <p>1 CAMPBELL</p> <p>2 A. I didn't remember reading it, but I</p> <p>3 did. That's my bad.</p> <p>4 Q. I'm sorry? You did read this?</p> <p>5 A. Yes.</p> <p>6 Q. Did you read it before March 20?</p> <p>7 Last Monday?</p> <p>8 A. That was the day.</p> <p>9 Q. You read it on March 20?</p> <p>10 A. Yes.</p> <p>11 Q. Where were you when you read it?</p> <p>12 A. At the lawyer's office.</p> <p>13 Q. What lawyer?</p> <p>14 A. Huh?</p> <p>15 Q. What lawyer?</p> <p>16 A. The lawyer's office.</p> <p>17 Q. Mr. Rivera?</p> <p>18 A. Mr. Rivera, yeah.</p> <p>19 Q. What time were you there?</p> <p>20 A. I was about between anywhere 5 to</p> <p>21 6:00 p.m.</p> <p>22 Q. Now, in the documents I've shown</p> <p>23 you, that's the Complaint, the initial</p> <p>24 disclosures, the responses to the first set of</p> <p>25 interrogatories and the responses to requests</p>

Page 13

1 CAMPBELL

2 for the production of documents, is there

3 anything in any of those documents that you

4 know to be not truthful?

5 **MR. RIVERA:** Objection. You can

6 answer the question.

7 **A. Can you repeat again?**

8 Q. Is there anything in any of the

9 documents you've seen so far this morning in

10 this deposition that you know to be not

11 truthful?

12 **A. Everything is true.**

13 Q. Okay. Everything is honest?

14 **A. Yeah.**

15 Q. Everything is accurate?

16 **A. Yes.**

17 Q. Everything was true -- well,

18 everything remains true today, correct?

19 **A. Yes.**

20 Q. Let's look if we could at Exhibit

21 3. In Exhibit 3 on page 2, request No. 2, asks

22 you to produce copies of all documents

23 concerning your application for employment, it

24 says by defendant, that means Empire Merchants,

25 you understand that?

Page 14

1 CAMPBELL

2 **A. Yes.**

3 Q. And in response to that request you

4 identify documents that are called Bates

5 numbered and you produced -- you refer to two

6 documents, P 00010 and P 00011. So would you

7 look at Exhibit 3-A, please? That's the

8 document that looks like this, 3-A. Turn to

9 the last two pages, if you would. P 00010

10 says, "Employment applications. Open house

11 every Wednesday, 9 a.m. to 11 a.m., 16

12 Bridgewater Street, at the warehouse end of

13 Meeker Avenue" and then it goes on with saying

14 Brooklyn, New York, and the phone number with

15 an extension.

16 It says, "Warehouse workers needed,

17 day and night shifts, and truck helpers making

18 deliveries." All of that is typed and it is

19 typed on letterhead that says Empire Merchants.

20 How did you get this document?

21 **A. From the Internet.**

22 Q. From the Internet?

23 **A. Yes.**

24 Q. What did you do to get it from the

25 Internet?

Page 15

1 CAMPBELL

2 **A. I downloaded it on the Internet.**

3 Q. How did you know to get it from the

4 Internet? What did you do?

5 **MR. RIVERA:** Objection. You can

6 answer.

7 **A. There was -- I have my -- my**

8 **application online so I'm seeking employment**

9 **and I found this and so I print it.**

10 Q. Did you know -- were you doing an

11 Internet search?

12 **A. Internet search?**

13 Q. Well, how did you learn about

14 Empire Merchants? I heard you say from the

15 Internet, but my question really goes to how

16 through the Internet you found Empire

17 Merchants.

18 **A. There's a job site called Job Case,**

19 **I think Job Case, one of those job sites and it**

20 **pop up. Like, it alert me when there is job**

21 **seeking -- job open.**

22 Q. Do you remember approximately when

23 you did that?

24 **A. No.**

25 Q. If you turn the page P 00010 upside

Page 16

1 CAMPBELL

2 down.

3 **A. P 8?**

4 Q. No. The page we're looking at, the

5 page that says "Employment applications."

6 **A. Turn it upside down?**

7 Q. Yes, please. It says at the now

8 top of the page it's a -- it looks like a

9 facsimile marking, it says "Sep," S-E-P, 08

10 16.06:14 P home" and then there is what looks

11 like a phone number, 718-471-6520. Do you know

12 what that marking signifies?

13 **A. I download -- I get it from my**

14 **printer that day.**

15 Q. Do you recognize the phone number

16 718-471-6520?

17 **A. I think this is my house number,**

18 **but I don't really use it.**

19 Q. But you believe this is your home

20 phone number?

21 **A. Yeah.**

22 Q. There is handwriting on this page,

23 the employment applications page, and it says

24 "Started 4/30/16" and it looks like it would be

25 a 6 possibly with a 7 written over it, slash

Page 17

1 CAMPBELL
2 or -- well, it looks like a 6 and a 7/22/16.
3 Do you know whose handwriting that is?
4 **A. That's me.**
5 Q. Your handwriting?
6 **A. Yes.**
7 Q. What does that signify?
8 **A. My starting date of employ --**
9 **employment.**
10 Q. Do you remember when you wrote that
11 there?
12 **A. A couple of weeks after I was -- I**
13 **got fired and I faxed it to the lawyer so I put**
14 **this on it.**
15 Q. Where it says "end," is that a 6 or
16 a 7?
17 **A. It's a 7.**
18 Q. 7/22/16?
19 **A. Yes.**
20 Q. You're saying that's your end date?
21 **A. Yes.**
22 Q. The other handwriting says, "Nick
23 EXT 9205"; is that right?
24 **A. Yes.**
25 Q. Who is Nick?

Page 18

1 CAMPBELL
2 **A. Nick is the warehouse shop steward.**
3 Q. What do you mean by the warehouse
4 shop steward?
5 **A. He's a shop steward for the**
6 **warehouse, Empire Merchants.**
7 Q. Do you remember when you wrote
8 Nick's name here?
9 **A. The same day I wrote everything.**
10 Q. So after your employment ended?
11 **A. Yes.**
12 Q. Do you know what a shop steward
13 does?
14 **A. Yes.**
15 Q. What does a shop steward do?
16 **A. He spoke on behalf of the**
17 **employees.**
18 Q. Do you know what union Nick spoke
19 for?
20 **A. I'm not -- I don't quite remember.**
21 Q. Did you come across more than one
22 shop steward during the time you worked at
23 Empire?
24 **A. Nick is the only one I know who's a**
25 **shop steward.**

Page 19

1 **CAMPBELL**
2 Q. Do you know his last name?
3 **A. Not off the top of my head right**
4 **now. If I heard it, I can say it is it.**
5 Q. How did you get to know Nick?
6 **A. I collect my check from him**
7 **sometimes.**
8 Q. So Nick would be the guy who handed
9 out your check to you?
10 **A. Sometimes. Not all the time.**
11 Q. On what day were checks given out?
12 What day of the week?
13 **A. Wednesday? Thursday? Thursdays.**
14 Q. As far as you recall, was there a
15 certain time that checks were given out on
16 Thursdays?
17 **A. Anywhere from midday down.**
18 Q. When you didn't get your check from
19 Nick, do you remember who gave you your check?
20 **A. There was different guys sitting in**
21 **the office. Like, you could just give them**
22 **your ID and you get a check.**
23 Q. When you say sitting in the office,
24 what area?
25 **A. The office that -- it faces the**

Page 20

1 **CAMPBELL**
2 **side and it opens to the locker room where we**
3 **put -- where we go in the morning. So it's two**
4 **office, one here and one down, one facing in**
5 **the warehouse and one facing in the locker**
6 **room.**
7 Q. Did Nick have a regular job in
8 addition to being, as you believe, the shop
9 steward?
10 **A. I don't see him doing anything**
11 **else. Just sit in the office and talk.**
12 Q. At what times did you see -- as
13 best you recall did you see Nick sitting in the
14 office?
15 **A. As early as I get there, Nick is**
16 **always there.**
17 Q. He was always there?
18 **A. Yes.**
19 Q. Do you remember anybody else who
20 was with him?
21 **A. Like, specify like.**
22 Q. Yes. By name do you remember
23 anybody else who would be in the office when
24 you arrived?
25 **A. Maybe two other guys, but not sure**

Page 21

1 **CAMPBELL**
2 **of the names.**
3 Q. Do you know what their positions
4 were?
5 **A. No.**
6 Q. Do you know if Nick stayed in the
7 office for the whole workday?
8 **A. I wouldn't know that because I'm**
9 **not there in the office for the whole day.**
10 Q. Until what time would -- what's the
11 latest you would ever see Nick inside the
12 office?
13 **A. If I work around the warehouse, if**
14 **I get off like 4 or 5, Nick still over there.**
15 Q. Still?
16 **A. Yes.**
17 Q. How many days in the time you
18 worked at Empire did you work in the warehouse?
19 **A. I'm not sure. It varied.**
20 Q. I'm not asking about the variance.
21 I'm saying all together from the time you
22 started working for Empire until the time your
23 employment with Empire ended, how many of those
24 days were inside the warehouse?
25 **A. I've never checked.**

Page 22

1 **CAMPBELL**
2 Q. Do you think it was more than five
3 days?
4 **A. Yes. Sure, more than five days.**
5 Q. Do you think it was more than ten
6 days?
7 **A. Yes.**
8 Q. On days that you didn't work inside
9 the warehouse, do you remember about when you
10 would last see Nick inside what you described
11 as an office area?
12 **A. Like, if I -- if I go on the truck**
13 **to do delivery, when I come back, if I come**
14 **back late, Nick will still be there because I**
15 **think he responsible for the trucks, the truck**
16 **employees. That's union guys so he have to be**
17 **there when they come back.**
18 Q. So is there a difference between,
19 as far as you know, truck employees at Empire
20 and warehouse employees at Empire?
21 **A. Yes.**
22 Q. What's the difference?
23 **A. The truck employee get more money**
24 **than the warehouse guys.**
25 **(Local 917, Empire Merchants pay**

Page 23

1 **CAMPBELL**
2 **practices were marked Defendant's Exhibit**
3 **5 for identification, as of this date.)**
4 Q. I'm directing your attention to
5 what's been marked as Exhibit 5. That is a
6 document on Empire Merchants's letterhead, it
7 says "Local 917, Empire Merchants pay
8 practices." Do you see your printed name and
9 signature on that document?
10 **A. Yes.**
11 Q. Separately I'm showing you Exhibit
12 6.
13 (Document Bates stamped EM 172 was
14 marked Defendant's Exhibit 6 for
15 identification, as of this date.)
16 Q. That starts off looking the same,
17 it says "Empire Merchants" printed up top and
18 then it says "Local 1 warehouse"?
19 **A. Yes.**
20 Q. Do you see your printed name and
21 signature on that document?
22 **A. Yes.**
23 Q. And looking at these, is it correct
24 that you signed these documents on March 31,
25 2016?

Page 24

1 **CAMPBELL**
2 **A. Yes.**
3 Q. That's your handwriting?
4 **A. Yes.**
5 Q. That's true of Exhibit 5 and 6; is
6 that right?
7 **A. Yes, sir.**
8 Q. Looking at these, do you recognize
9 that Local 917 is the union that represented
10 the drivers and helpers?
11 **A. Yes.**
12 Q. And Local 1, that's the union that
13 represented the warehouse workers; is that
14 right?
15 **A. Yes.**
16 Q. Do you remember which of these
17 unions Nick was the shop steward for?
18 **A. Yes.**
19 Q. Which one?
20 **A. The Local 719 -- 917. Sorry.**
21 Q. So that was the drivers and
22 helpers?
23 **A. Yes.**
24 Q. When you worked at Empire
25 Merchants, did you sometimes work as a helper

<p style="text-align: right;">Page 25</p> <p>1 CAMPBELL</p> <p>2 getting the pay that Local 917 employees</p> <p>3 received?</p> <p>4 A. Yes.</p> <p>5 Q. Other times did you work in or</p> <p>6 around the warehouse getting the \$13 an hour</p> <p>7 pay that the warehouse workers received?</p> <p>8 A. Yes.</p> <p>9 Q. Was that your choice, which pay or</p> <p>10 work you would get, or was that somebody</p> <p>11 else's?</p> <p>12 A. No, not my choice.</p> <p>13 Q. How was that decided?</p> <p>14 A. The supervisor.</p> <p>15 Q. Was it always the same supervisor?</p> <p>16 A. Yes. For me the same supervisor.</p> <p>17 Q. Do you know that person's name?</p> <p>18 A. His name is Mike.</p> <p>19 Q. Do you know Mike's last name?</p> <p>20 A. I don't quite remember off the top</p> <p>21 of my head.</p> <p>22 Q. When you say Mike was a supervisor,</p> <p>23 what makes you think that?</p> <p>24 A. Because he supervised me.</p> <p>25 Q. He supervised you?</p>	<p style="text-align: right;">Page 27</p> <p>1 CAMPBELL</p> <p>2 drivers tell me to do something else or stuff</p> <p>3 like that.</p> <p>4 Q. Take a look, if you would, at</p> <p>5 Exhibit 4.</p> <p>6 A. What page?</p> <p>7 Q. Turn to page 2 if you would,</p> <p>8 please.</p> <p>9 A. Okay.</p> <p>10 Q. Interrogatory No. 3 at the bottom</p> <p>11 of page 2 says, "Describe in detail the basis</p> <p>12 for and identify persons with knowledge of and</p> <p>13 documents concerning the allegation in</p> <p>14 paragraph 11 of the Complaint that defendant,"</p> <p>15 that's Empire Merchants, "hired plaintiff as a</p> <p>16 'shape-up employee'" and on the top of page 2</p> <p>17 it says, "Plaintiff identifies" and it then</p> <p>18 continues to the next page and on the next page</p> <p>19 you identify somebody named Jimmy Ching,</p> <p>20 C-H-I-N-G; do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Then it says that Jimmy Ching is</p> <p>23 the day warehouse manager at defendant. What</p> <p>24 is your reason for identifying Jimmy Ching as</p> <p>25 the day warehouse manager at defendant?</p>
<p style="text-align: right;">Page 26</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. By doing what?</p> <p>4 A. Giving me my tasks and tell me what</p> <p>5 to do. He's the guy -- when they assign me to</p> <p>6 work, they say go to my supervisor, which is</p> <p>7 Mike.</p> <p>8 Q. Where was Mike located to do his</p> <p>9 work?</p> <p>10 A. In the office behind the one from</p> <p>11 the warehouse. The one from the locker room.</p> <p>12 So they have -- the offices face each other.</p> <p>13 Q. Did you see Mike during the</p> <p>14 workday? During your workday?</p> <p>15 A. Yes. He would come and check up on</p> <p>16 me.</p> <p>17 Q. By doing what?</p> <p>18 A. Pass through and ask if I'm okay or</p> <p>19 give me something else to do or something like</p> <p>20 that.</p> <p>21 Q. Were there other people you</p> <p>22 remember who gave you instruction during the</p> <p>23 workday?</p> <p>24 A. Like only, like, if the forklift</p> <p>25 drivers that Mike supervised -- the forklift</p>	<p style="text-align: right;">Page 28</p> <p>1 CAMPBELL</p> <p>2 A. Because he's the warehouse manager</p> <p>3 in the warehouse too.</p> <p>4 Q. And you knew that on March 20th</p> <p>5 when you verified the responses to these</p> <p>6 interrogatories as being true to the best of</p> <p>7 your knowledge; is that right?</p> <p>8 A. Yes.</p> <p>9 Q. Below Jimmy Ching's name there's</p> <p>10 the name Mike Meyers, M-E-Y-E-R-S, he is</p> <p>11 identified as a dispatcher at defendant. Is</p> <p>12 Mike Meyers the Mike that you were referring</p> <p>13 to?</p> <p>14 A. Yes.</p> <p>15 Q. And do you know what a dispatcher's</p> <p>16 job is?</p> <p>17 A. To supervise.</p> <p>18 Q. Well, do you know if a dispatcher</p> <p>19 is a member of the Teamsters Local 917</p> <p>20 bargaining unit?</p> <p>21 A. 917? No. I think he's for the</p> <p>22 warehouse.</p> <p>23 Q. I'm sorry, didn't you tell us when</p> <p>24 you looked at Exhibits 5 and 6 that the</p> <p>25 warehouse was represented by Local 1?</p>

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1 CAMPBELL

2 **A. Local 1.**

3 Q. And the drivers and helpers are

4 represented by Local 917?

5 **A. Yes.**

6 Q. Do you know that Local 917 is a

7 Teamsters Union?

8 **A. Yes.**

9 Q. And Local 1 is United Food and

10 Commercial Workers; do you know that?

11 **A. For the warehouse?**

12 Q. Warehouse is United Food and

13 Commercial Workers, Local 1 or Local 1-D; did

14 you know that?

15 **A. Yes.**

16 Q. Did you know that the dispatcher is

17 a bargaining unit member of Teamsters Local

18 917?

19 **A. No, I didn't know that.**

20 Q. When did you meet Jimmy Ching?

21 **A. On the first day of employ. I**

22 **didn't met him. I saw him in the office, but I**

23 **didn't spoke with him.**

24 Q. Was there a time that you did speak

25 to him?

Page 30

1 CAMPBELL

2 **A. Yes.**

3 Q. When did that happen?

4 **A. There was a time -- I don't recall**

5 **right now, but there was a time that he gave me**

6 **some documents to go do a drug test. He gave**

7 **me an envelope with documents to go do a drug**

8 **test.**

9 Q. Was that the first time you

10 remember speaking with Jimmy Ching?

11 **A. Yes.**

12 Q. Had you seen him in or around the

13 office or warehouse area before that first time

14 you spoke with him?

15 **A. That I can recall.**

16 Q. Yes or no?

17 **A. I said that I can recall.**

18 Q. You recall that you did?

19 **A. That I recalled the first time I**

20 **spoke to him.**

21 Q. Do you remember how long you had

22 been working at Empire Merchants before you

23 were told to go take a drug test by Jimmy

24 Ching?

25 **A. I can't recall right now.**

Page 31

1 **CAMPBELL**

2 Q. After that first time that you

3 spoke with him, were there other times that you

4 spoke to him as well?

5 **A. Yes.**

6 Q. For what purpose or purposes?

7 **A. Asking him for gloves and stuff**

8 **like that.**

9 Q. If you needed gloves, he would give

10 them to you?

11 **A. Yes.**

12 Q. Do you remember other reasons why

13 you and Jimmy Ching spoke to each other?

14 **A. I can't recall right now.**

15 Q. Do you remember seeing Jimmy Ching

16 during any part of any of the work days that

17 you had at Empire Merchants, even if you didn't

18 speak with him?

19 **A. Yes.**

20 Q. In what areas did you see him?

21 **A. In the office or outside the**

22 **office.**

23 Q. The office outside of the office

24 that you've described in the beginning; is that

25 right?

Page 32

1 CAMPBELL

2 **A. The supervisor's office or**

3 **manager's office, he would be like outside but**

4 **in the warehouse.**

5 Q. So are you saying Jimmy Ching

6 worked from another office, but it was deeper

7 inside the warehouse?

8 **A. No. The same area.**

9 Q. I see. Do you remember

10 approximately how many days during the time you

11 worked at Empire you saw Jimmy Ching?

12 **A. Most of the days.**

13 Q. Most days that you worked there?

14 **A. Yes.**

15 Q. If you went out on a truck, you

16 didn't see him while you were on the truck, did

17 you?

18 **A. No.**

19 Q. Do you know if other managers or

20 supervisors reported to Jimmy Ching?

21 **A. I don't know that.**

22 Q. What's the reason for saying as you

23 do that Mike Meyers was a dispatcher?

24 **A. Because he would dispatch me and**

25 **other workers for tasks.**

<p style="text-align: right;">Page 33</p> <p>1 CAMPBELL</p> <p>2 Q. Did you have other jobs where there</p> <p>3 were dispatchers?</p> <p>4 A. Like in Empire or others?</p> <p>5 Q. Other employment.</p> <p>6 A. No.</p> <p>7 Q. How did you know what the job of a</p> <p>8 dispatcher was?</p> <p>9 A. Just based on common knowledge.</p> <p>10 Q. But is it your testimony that you</p> <p>11 never had a job where the company used</p> <p>12 dispatchers to send -- give people the -- any</p> <p>13 kind of work?</p> <p>14 A. Oh, sorry. In the airport. Sorry.</p> <p>15 In the airport.</p> <p>16 Q. Your jobs at the airport were</p> <p>17 always inside jobs, weren't they?</p> <p>18 A. No.</p> <p>19 Q. When you worked for ASIG, didn't</p> <p>20 you work on the ramp?</p> <p>21 A. Yes.</p> <p>22 Q. And when you worked for DES North</p> <p>23 America, didn't you work as a product assistant</p> <p>24 in the warehouse?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 35</p> <p>1 CAMPBELL</p> <p>2 America in about July of 2015?</p> <p>3 A. Yes.</p> <p>4 Q. And that employment ended in</p> <p>5 December of 2015?</p> <p>6 A. Yes.</p> <p>7 Q. So between May of 2008 when you</p> <p>8 started with ASIG and December 10th of 2015</p> <p>9 when your employment with DFS North America</p> <p>10 ended, in those jobs you never saw a</p> <p>11 dispatcher; is that right?</p> <p>12 A. I told you that ASIG we have</p> <p>13 dispatchers.</p> <p>14 Q. But did you have a -- did you ever</p> <p>15 receive any work or indication of the work you</p> <p>16 would be doing from a dispatcher when you</p> <p>17 worked for ASIG?</p> <p>18 A. Yes.</p> <p>19 Q. Was that work inside the warehouse</p> <p>20 or on a delivery vehicle?</p> <p>21 A. In a ramp.</p> <p>22 Q. On the ramp?</p> <p>23 A. Yes.</p> <p>24 Q. What do you mean by the ramp?</p> <p>25 A. The ramp is outside where the</p>
<p style="text-align: right;">Page 34</p> <p>1 CAMPBELL</p> <p>2 Q. So in those jobs did you ever see a</p> <p>3 dispatcher?</p> <p>4 A. The warehouse job there wasn't any</p> <p>5 dispatcher.</p> <p>6 Q. Now, DES North America was based at</p> <p>7 JFK International Airport, right?</p> <p>8 A. Yes.</p> <p>9 Q. And ASIG was based at JFK</p> <p>10 International Airport; is that right?</p> <p>11 A. Yes.</p> <p>12 Q. And you started your work at ASIG</p> <p>13 in May of 2008; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. You worked there until about</p> <p>16 January of 2015; is that right?</p> <p>17 A. Yes.</p> <p>18 Q. And then in July of 2015 you</p> <p>19 started working for DES North America, right?</p> <p>20 A. DES?</p> <p>21 Q. DES or DFS?</p> <p>22 A. DFS.</p> <p>23 Q. DFS?</p> <p>24 A. Yes.</p> <p>25 Q. You started working for DFS North</p>	<p style="text-align: right;">Page 36</p> <p>1 CAMPBELL</p> <p>2 aircraft's at, not inside.</p> <p>3 Q. What sort of activity happened that</p> <p>4 you were involved with at the ramp?</p> <p>5 A. Load the aircraft or unload the</p> <p>6 aircraft.</p> <p>7 Q. Did that work require your</p> <p>8 interaction with a dispatcher?</p> <p>9 A. Yes.</p> <p>10 Q. In what way?</p> <p>11 A. You would call and tell him the</p> <p>12 aircraft is landed or it's ready to leave or</p> <p>13 something like that.</p> <p>14 Q. In doing your work at ASIG, did you</p> <p>15 operate any vehicle?</p> <p>16 A. Yes.</p> <p>17 Q. What type of vehicle?</p> <p>18 A. Van, tugs, high loader, pushbacks,</p> <p>19 stuff like that.</p> <p>20 Q. What was a so-called tug?</p> <p>21 A. A small vehicle that pulls a</p> <p>22 baggage cart and stuff like that.</p> <p>23 Q. What distance did the baggage cart</p> <p>24 travel with the tugs?</p> <p>25 A. Huh?</p>

<p style="text-align: right;">Page 37</p> <p>1 CAMPBELL</p> <p>2 Q. What areas did the tug with the</p> <p>3 baggage carts travel in?</p> <p>4 A. From the baggage room to the</p> <p>5 aircraft or from the aircraft to the baggage</p> <p>6 room or the dump area.</p> <p>7 Q. Did you say there was a so-called</p> <p>8 pushback?</p> <p>9 A. Yes.</p> <p>10 Q. What type of vehicle is a pushback?</p> <p>11 A. I just know it as a pushback. It</p> <p>12 push back the plane or pull in the plane.</p> <p>13 Q. You operated those?</p> <p>14 A. For a short while.</p> <p>15 Q. You described I think a van; is</p> <p>16 that right?</p> <p>17 A. Yes.</p> <p>18 Q. What were the vans used for?</p> <p>19 A. To pick up or drop off workers.</p> <p>20 Q. Between what areas?</p> <p>21 A. From like Terminal 4 to Terminal 8.</p> <p>22 Q. Was it a hi-lo did you say?</p> <p>23 A. What?</p> <p>24 Q. A hi-lo or loader did you say?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 39</p> <p>1 CAMPBELL</p> <p>2 Q. How did you learn that?</p> <p>3 A. That's what my -- they told me my</p> <p>4 job is the shape-up guy.</p> <p>5 Q. Now, in other jobs you've had were</p> <p>6 you aware of situations where there was a</p> <p>7 regular work force?</p> <p>8 A. Can you describe?</p> <p>9 Q. When you worked at ASIG and DFS,</p> <p>10 was there a regular work force of employees?</p> <p>11 Did you tend to see the same people every day?</p> <p>12 A. Yes.</p> <p>13 Q. And did they have regular hours or</p> <p>14 shifts of work time?</p> <p>15 A. Yes.</p> <p>16 Q. Did ASIG and DFS work around the</p> <p>17 clock, 24 hours a day?</p> <p>18 A. No.</p> <p>19 Q. Did either one of them work around</p> <p>20 the clock, 24 hours a day?</p> <p>21 A. DFS has an ending period, I think</p> <p>22 11, 11 to midnight.</p> <p>23 Q. I'm sorry, 11 a.m. till 12</p> <p>24 midnight?</p> <p>25 A. No. Ending.</p>
<p style="text-align: right;">Page 38</p> <p>1 CAMPBELL</p> <p>2 Q. What type of vehicle was that?</p> <p>3 A. It's a -- I don't quite remember,</p> <p>4 but it's -- it takes the load off the aircraft,</p> <p>5 like pallets and load back the pallets.</p> <p>6 Q. Pallets?</p> <p>7 A. Yes. Take off pallets. Or cans</p> <p>8 with luggage.</p> <p>9 Q. Containers with luggage?</p> <p>10 A. Containers, yes.</p> <p>11 Q. Now, in interrogatory No. 4 it</p> <p>12 says -- this is on page 3 "Describe in detail</p> <p>13 and identify persons with knowledge of and</p> <p>14 documents concerning plaintiffs" -- your --</p> <p>15 "employment by any other employer as a shape-up</p> <p>16 employee from any time prior to the start" --</p> <p>17 prior to the commencement -- "of your</p> <p>18 employment by defendant" -- that's Empire --</p> <p>19 "to the present time."</p> <p>20 Did you ever work for any other</p> <p>21 employer as a shape-up employee?</p> <p>22 A. No.</p> <p>23 Q. When did you first learn about</p> <p>24 being a so-called shape-up employee?</p> <p>25 A. At Empire Merchants the first time.</p>	<p style="text-align: right;">Page 40</p> <p>1 CAMPBELL</p> <p>2 Q. Ending, okay.</p> <p>3 A. About 11 to 12 midnight.</p> <p>4 Q. Do you know when that shift</p> <p>5 started, the one that would end at 11:00 or</p> <p>6 midnight?</p> <p>7 A. I think it was -- I'm sorry, but my</p> <p>8 shift was the earlier shift.</p> <p>9 Q. So what time did you start?</p> <p>10 A. 7.</p> <p>11 Q. In the morning?</p> <p>12 A. Yes.</p> <p>13 Q. Was there a time you typically</p> <p>14 ended your shift?</p> <p>15 A. Yes.</p> <p>16 Q. What time was that?</p> <p>17 A. 7 to 2:30 -- 3:30. And sometimes I</p> <p>18 go over, like if they need me to go overtime.</p> <p>19 Q. Did Empire have people who had</p> <p>20 regular shifts as far as you recall?</p> <p>21 A. Like the truck drivers, I think the</p> <p>22 first shift, the first set of trucks would go</p> <p>23 at like 7 and then another set at 8. I'm there</p> <p>24 until like -- if I -- at like 9:00, then 9:00 I</p> <p>25 see another shift, set of trucks start to go</p>

<p style="text-align: right;">Page 41</p> <p>1 CAMPBELL</p> <p>2 out again.</p> <p>3 Q. Well, you weren't always there</p> <p>4 until 9:00, were you?</p> <p>5 A. No.</p> <p>6 Q. On the days you weren't there until</p> <p>7 9:00, what did you do?</p> <p>8 A. I work.</p> <p>9 Q. You were working?</p> <p>10 A. Yes.</p> <p>11 Q. And if you went out on a truck,</p> <p>12 what time did you typically go out?</p> <p>13 A. 8:30, 9.</p> <p>14 Q. If you were working in the</p> <p>15 warehouse, what time did you typically get your</p> <p>16 warehouse assignment?</p> <p>17 A. The same time, 8:30, 9.</p> <p>18 Q. At Empire was there a time clock</p> <p>19 for you to punch when your work time started?</p> <p>20 A. Yes.</p> <p>21 Q. Did you understand that to get paid</p> <p>22 you had to punch your time card?</p> <p>23 A. Yes.</p> <p>24 Q. And did you punch your time card</p> <p>25 honestly?</p>	<p style="text-align: right;">Page 43</p> <p>1 CAMPBELL</p> <p>2 punch-in. This was us --</p> <p>3 Q. Right.</p> <p>4 A. That wasn't a punch.</p> <p>5 Q. Do you remember starting work at</p> <p>6 7:30 on your first day at Empire?</p> <p>7 A. Yes.</p> <p>8 Q. That was a Friday; is that right?</p> <p>9 A. Yes.</p> <p>10 Q. At the bottom in that third column</p> <p>11 from the end where it says 7:30, up top it says</p> <p>12 4:14, that's printed punched, not handwritten.</p> <p>13 A. Yes.</p> <p>14 Q. Is that when you stopped working?</p> <p>15 A. Yes.</p> <p>16 Q. And on the side it says "FR," that</p> <p>17 means Friday; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. On the next page again there's</p> <p>20 handwriting up top with your name, is that your</p> <p>21 handwriting?</p> <p>22 A. Yes.</p> <p>23 Q. And the first punch is Friday and</p> <p>24 it says 7:59?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 42</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 MR. ROBERTS: EM 109 through 117.</p> <p>4 (Documents Bates stamped EM 109</p> <p>5 through 117 were marked Defendant's</p> <p>6 Exhibit 7 for identification, as of this</p> <p>7 date.)</p> <p>8 Q. I'm showing you what's been marked</p> <p>9 as Exhibit 7. The first page of Exhibit 7 has</p> <p>10 your name written up top; do you see that? The</p> <p>11 first page.</p> <p>12 A. Yes.</p> <p>13 Q. And that's marked EM 000109; do you</p> <p>14 see that at the bottom?</p> <p>15 A. Yes.</p> <p>16 Q. Whose handwriting is that up top?</p> <p>17 A. Mines.</p> <p>18 Q. Printed it says, "Pay period</p> <p>19 ending" and then it says "APR 012016" and it's</p> <p>20 handwritten "7:30." Do you know what that</p> <p>21 signifies?</p> <p>22 A. That's the earlier start.</p> <p>23 Q. So what -- that means that you were</p> <p>24 starting work at 7:30 in the morning?</p> <p>25 A. Not all the time. This was not</p>	<p style="text-align: right;">Page 44</p> <p>1 CAMPBELL</p> <p>2 Q. Is that when you punched in to</p> <p>3 work?</p> <p>4 A. Yes.</p> <p>5 Q. Then there's another punch at 12?</p> <p>6 A. For lunch, yeah.</p> <p>7 Q. That's a punch to go out for lunch?</p> <p>8 A. Yes.</p> <p>9 Q. And a punch again at 12:55; is that</p> <p>10 right?</p> <p>11 A. Yes.</p> <p>12 Q. That's when you returned from</p> <p>13 lunch?</p> <p>14 A. Yes.</p> <p>15 Q. Does that mean you were doing</p> <p>16 warehouse work that day?</p> <p>17 A. Yes.</p> <p>18 Q. And then there's a punch at 7:30,</p> <p>19 does that mean 7:30 at night?</p> <p>20 A. Yes.</p> <p>21 Q. That's when you stopped working?</p> <p>22 A. Yes.</p> <p>23 Q. If we look at the other card after</p> <p>24 that, this is now the week of April 29th?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 45</p> <p>1 CAMPBELL</p> <p>2 Q. That's again your handwriting up</p> <p>3 top?</p> <p>4 A. Yes.</p> <p>5 Q. And you punch in on Wednesday at</p> <p>6 8:10, on Thursday at 8, and on Friday at 8:05?</p> <p>7 A. Yes.</p> <p>8 Q. Those are the times you started</p> <p>9 working those days?</p> <p>10 A. Yes.</p> <p>11 Q. And you punched out on Wednesday at</p> <p>12 4:51, Thursday at 4:55, and Friday at 6:55; is</p> <p>13 that right?</p> <p>14 A. Yes.</p> <p>15 Q. And there's no punch in or out for</p> <p>16 lunch, does that mean you were working on a</p> <p>17 truck?</p> <p>18 A. Yes.</p> <p>19 Q. So is it fair to say that in that</p> <p>20 week of April 29th you wouldn't have seen</p> <p>21 anybody in the warehouse once you were</p> <p>22 dispatched?</p> <p>23 A. Yeah.</p> <p>24 Q. Until you returned at the end of</p> <p>25 the day?</p>	<p style="text-align: right;">Page 47</p> <p>1 CAMPBELL</p> <p>2 7:57 p.m.?</p> <p>3 A. Yes.</p> <p>4 Q. On Thursday you stopped working at</p> <p>5 5:02 p.m.?</p> <p>6 A. Yes.</p> <p>7 Q. And on Friday, although it's</p> <p>8 punched out at 7:28, there's handwriting that</p> <p>9 your day ended at 7:45 p.m.?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know why that was changed</p> <p>12 from 7:28 to 7:45?</p> <p>13 A. We didn't get a break.</p> <p>14 Q. Okay.</p> <p>15 A. Yeah.</p> <p>16 Q. What do you mean by not getting a</p> <p>17 break?</p> <p>18 A. There was ten-minute break.</p> <p>19 Q. And you worked through the break;</p> <p>20 is that right?</p> <p>21 A. Yes.</p> <p>22 Q. Did you tell that to anybody in</p> <p>23 management or did somebody else?</p> <p>24 A. Carlos.</p> <p>25 Q. Carlos?</p>
<p style="text-align: right;">Page 46</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. And the next card is the pay period</p> <p>4 ending May 6, 2016?</p> <p>5 A. Yes.</p> <p>6 Q. Is that your writing up top?</p> <p>7 A. Yes.</p> <p>8 Q. D. Campbell is your handwriting?</p> <p>9 A. Yes.</p> <p>10 Q. For that week you punched in at</p> <p>11 8:11 in the morning on Monday, 7:58 on Tuesday,</p> <p>12 8:02 on Wednesday, 8:00 on Thursday, and 8:09</p> <p>13 on Friday; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. And there are no punch-outs until</p> <p>16 the end of the day, does that mean that you</p> <p>17 worked those days on a truck?</p> <p>18 A. Yeah.</p> <p>19 Q. And on Monday you returned -- you</p> <p>20 ended your work at 4:57 p.m.; is that right?</p> <p>21 A. Yes.</p> <p>22 Q. On Tuesday you stopped working at</p> <p>23 4:58; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. And you stopped on Wednesday at</p>	<p style="text-align: right;">Page 48</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. You said that to Carlos?</p> <p>4 A. Yes.</p> <p>5 Q. Who is Carlos?</p> <p>6 A. He's one of the managers in the</p> <p>7 warehouse.</p> <p>8 Q. If you look at Exhibit 4, on page 4</p> <p>9 at the very top in the box it says "Carlos</p> <p>10 (last name unknown)" -- Exhibit 4 looks like</p> <p>11 this.</p> <p>12 A. Page 4?</p> <p>13 Q. Of Exhibit 4. And at the top of</p> <p>14 page 4 it says "Carlos (last name unknown),</p> <p>15 warehouse manager at defendant." You're saying</p> <p>16 that you were out on the trucks under the --</p> <p>17 that would be under the Local 917 contract,</p> <p>18 right?</p> <p>19 A. Yes.</p> <p>20 Q. And do you know if Carlos was the</p> <p>21 manager of drivers and helpers or of warehouse</p> <p>22 workers?</p> <p>23 A. I'm not sure, but like when the</p> <p>24 trucks come back -- when the truck came back</p> <p>25 from the road, Carlos is the one who would be</p>

<p style="text-align: right;">Page 49</p> <p>1 CAMPBELL</p> <p>2 responsible for take -- check -- make sure all</p> <p>3 the returns are right, correct.</p> <p>4 Q. And do you know if Carlos started</p> <p>5 his day when you were going out on the trucks</p> <p>6 or did he start working later than that?</p> <p>7 A. I'm not sure what time he start.</p> <p>8 Q. When you say he was responsible for</p> <p>9 checking the trucks when they returned, what</p> <p>10 were they checking for?</p> <p>11 A. Make sure everything is -- the</p> <p>12 liquor is right when it comes back, things</p> <p>13 that -- returns from the stores are -- if they</p> <p>14 don't deliver them, they got to make sure they</p> <p>15 get back the right amount or any broken one, he</p> <p>16 put his signature and stuff.</p> <p>17 Q. Was he checking -- did he check</p> <p>18 with the drivers and the helpers or just the</p> <p>19 drivers or just the helpers?</p> <p>20 A. Drivers and the helpers.</p> <p>21 Q. Did you ever work as a driver at</p> <p>22 Empire?</p> <p>23 A. No.</p> <p>24 Q. When you went out on the truck, did</p> <p>25 you always work with a driver?</p>	<p style="text-align: right;">Page 51</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. Was there an invoice for the goods</p> <p>4 ordered by the store or restaurant or hotel or</p> <p>5 club?</p> <p>6 A. Yes.</p> <p>7 Q. And was it your responsibility with</p> <p>8 the driver to deliver the goods that were on</p> <p>9 the truck that matched what the paper said</p> <p>10 about -- what the invoice said about what the</p> <p>11 account had ordered?</p> <p>12 A. Yes. But that's the driver's</p> <p>13 responsibility. He has to take them off and</p> <p>14 give it to me. The driver always has to take</p> <p>15 it off and give it to me and then I push it in</p> <p>16 the shop.</p> <p>17 Q. And then at the end of the day you</p> <p>18 said there could be breakage; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. That means something while it was</p> <p>21 being transported broke?</p> <p>22 A. Yes.</p> <p>23 Q. And would there sometimes be extra</p> <p>24 items for some reason that didn't get</p> <p>25 delivered?</p>
<p style="text-align: right;">Page 50</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. And did the driver ever talk to you</p> <p>4 about who was responsible for the merchandise</p> <p>5 that was on the trucks?</p> <p>6 A. No. We never had that</p> <p>7 conversation.</p> <p>8 Q. Do you know if there was any</p> <p>9 paperwork that was written that related to the</p> <p>10 merchandise, the wine and spirits, liquor, if</p> <p>11 you will, that was loaded on the truck for</p> <p>12 delivery?</p> <p>13 A. Yes.</p> <p>14 Q. What sort of paperwork was there?</p> <p>15 A. It was like papers like this</p> <p>16 with -- like this and copies. You have to</p> <p>17 give -- when you deliver, you give a piece for</p> <p>18 the guy who received to sign and you get back</p> <p>19 one to bring back to the warehouse.</p> <p>20 Q. And who gets that, the driver or</p> <p>21 the helper?</p> <p>22 A. We both can do it, but it's the</p> <p>23 driver's responsibility.</p> <p>24 Q. Are you saying that -- do you know</p> <p>25 what an invoice is?</p>	<p style="text-align: right;">Page 52</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. And that could be for a few</p> <p>4 reasons, couldn't it? The account might reject</p> <p>5 the merchandise?</p> <p>6 A. Right. Yes.</p> <p>7 Q. Or it could have been -- was it</p> <p>8 ever loaded by mistake, as far as you know?</p> <p>9 A. I've never had that. Or we pick up</p> <p>10 stuff back from the store to bring.</p> <p>11 Q. So the store had gotten something</p> <p>12 delivered on an earlier day and they were</p> <p>13 returning it, is that what you're saying?</p> <p>14 A. Sometimes you gotta pick up --</p> <p>15 maybe they rejected something or something like</p> <p>16 that.</p> <p>17 Q. That may have been delivered by a</p> <p>18 different truck driver and helper?</p> <p>19 A. Yes.</p> <p>20 Q. Staying with Exhibit 7, if you</p> <p>21 could, we had gotten through the week of May 6,</p> <p>22 the next pay week is pay period ending May 27;</p> <p>23 do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. In that week you didn't punch in</p>

<p style="text-align: right;">Page 53</p> <p>1 CAMPBELL</p> <p>2 Monday; is that right?</p> <p>3 A. Yeah.</p> <p>4 Q. The first day you punched in was</p> <p>5 Tuesday and you did that at 8:01 a.m.?</p> <p>6 A. Yes.</p> <p>7 Q. On Wednesday you punched in at 8:12</p> <p>8 a.m.?</p> <p>9 A. Yeah.</p> <p>10 Q. Then Thursday you punched in at</p> <p>11 7:26 a.m.?</p> <p>12 A. Mm-hmm.</p> <p>13 Q. And Friday you punched in at 8:03</p> <p>14 a.m.?</p> <p>15 A. Yeah.</p> <p>16 Q. Do you remember why you punched in</p> <p>17 at 7:26 a.m. on Thursday?</p> <p>18 A. I think that was early for the</p> <p>19 truck.</p> <p>20 Q. And how did you know it was going</p> <p>21 to be an early start?</p> <p>22 A. How do I know?</p> <p>23 Q. Yes.</p> <p>24 A. I don't know until they tell me.</p> <p>25 Q. Do you remember who told you?</p>	<p style="text-align: right;">Page 55</p> <p>1 CAMPBELL</p> <p>2 during the day on Tuesday and Friday?</p> <p>3 A. Yeah.</p> <p>4 Q. Does that mean you worked in the</p> <p>5 warehouse those days?</p> <p>6 A. Yes.</p> <p>7 Q. And on Wednesday you started at</p> <p>8 7:05 a.m., do you know how that was arranged?</p> <p>9 A. For truck I believe.</p> <p>10 Q. Do you remember who told you that</p> <p>11 you would be going on the truck at 7:05 a.m.?</p> <p>12 A. They announce it through the AP.</p> <p>13 Q. What do you mean by that?</p> <p>14 A. AP system. They announce it. Like</p> <p>15 they call you and say you're going on with this</p> <p>16 person on the truck.</p> <p>17 Q. What do you mean by AP, what does</p> <p>18 that stand for?</p> <p>19 A. The system, the microphone system,</p> <p>20 the loudspeaker thing.</p> <p>21 Q. Oh, it's a loudspeaker?</p> <p>22 A. Yeah.</p> <p>23 Q. Whose voice do you hear on the</p> <p>24 loudspeaker?</p> <p>25 A. I can't recall.</p>
<p style="text-align: right;">Page 54</p> <p>1 CAMPBELL</p> <p>2 A. There was no -- they called my name</p> <p>3 and said I'm going with this person on the</p> <p>4 truck.</p> <p>5 Q. On Tuesday, the first day in this</p> <p>6 payroll period ending May 27, you clocked out</p> <p>7 at 11:59 and back in at 1:01, does that mean</p> <p>8 you worked in the warehouse?</p> <p>9 A. Yes.</p> <p>10 Q. And the other days of that week you</p> <p>11 didn't clock out during the day until the end</p> <p>12 of your work, does that mean you worked on</p> <p>13 trucks?</p> <p>14 A. Yes.</p> <p>15 Q. The next pay period ending is the</p> <p>16 next page, that's June 3, 2016; do you see</p> <p>17 that?</p> <p>18 A. Yes.</p> <p>19 Q. Again, is that your handwriting up</p> <p>20 top?</p> <p>21 A. Yes.</p> <p>22 Q. And it looks like you worked again</p> <p>23 Tuesday through Friday; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. And you clocked out midday or</p>	<p style="text-align: right;">Page 56</p> <p>1 CAMPBELL</p> <p>2 Q. The person on the loudspeaker would</p> <p>3 announce names?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know how the person on the</p> <p>6 loudspeaker knew what names to call?</p> <p>7 A. When I go in to work in the</p> <p>8 morning, we write -- I write my name and they</p> <p>9 have a list like this on the side, you write</p> <p>10 your name.</p> <p>11 Q. So when you went in to write your</p> <p>12 name, was your name printed on the list or you</p> <p>13 had to write your name?</p> <p>14 A. No. You have to write your name.</p> <p>15 Q. On the days that you wrote your</p> <p>16 name, do you remember if other names were</p> <p>17 already written before yours?</p> <p>18 A. Sometimes.</p> <p>19 Q. Do you know any of those names?</p> <p>20 A. They have the shape-up guys' names.</p> <p>21 Q. I'm sorry?</p> <p>22 A. Other shape-up guys' names.</p> <p>23 Q. These were shape-up guys?</p> <p>24 A. Yes. And union workers.</p> <p>25 Q. And you think some of them were</p>

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1 CAMPBELL
2 union workers as well?
3 **A. Yes.**
4 Q. Do you know if the union workers --
5 when you say union workers, how do you know
6 they were union workers?
7 **A. Because their name is there and**
8 **they just sign.**
9 Q. Were they on the same list as your
10 name or did they have another list?
11 **A. Another list.**
12 Q. Were the union workers -- did they
13 have any rights that you didn't have?
14 **A. Yes.**
15 Q. What sort of rights did they have
16 that you didn't have?
17 **A. To serve before, to send out for**
18 **service.**
19 Q. So they were called to serve or be
20 put to work before you?
21 **A. Yes.**
22 Q. Do you know how they qualified to
23 be union workers?
24 **A. They have to work there for a**
25 **period of time.**

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1 CAMPBELL
2 Q. So they had worked for a certain
3 period of time?
4 **A. Yes.**
5 Q. Do you know how much?
6 **A. I think it's 45 days straight or**
7 **something like that.**
8 Q. Do you know if there are union
9 contracts or collective bargaining agreements
10 that Empire Merchants had with Local 1 or Local
11 1D and Teamsters Local 917?
12 **A. Supposed to be.**
13 Q. There was supposed to be contracts?
14 **A. Yes.**
15 Q. Do you know if those contracts
16 talked about the rights of union workers as you
17 say who may have worked for 45 days or more?
18 **A. Supposed to.**
19 Q. Have you ever seen either of the
20 union contracts, Local 1 or 1D or Teamsters
21 Local 917?
22 **A. Not really sure. Not really sure.**
23 **(Local 917 collective bargaining**
24 **agreement was marked Defendant's Exhibit 8**
25 **for identification, as of this date.)**

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1 CAMPBELL
2 **MR. RIVERA:** In five or ten minutes
3 or so can we take a bathroom break?
4 **MR. ROBERTS:** Sure.
5 Q. Exhibit 8 is called Collective
6 Bargaining Agreement Between Empire Merchants
7 LLC and Teamsters Local Union No. 917. Have
8 you seen that before today?
9 **A. I don't recall.**
10 **MR. ROBERTS:** This will be 9.
11 (Local 1D collective bargaining
12 agreement was marked Defendant's Exhibit 9
13 for identification, as of this date.)
14 Q. Exhibit 9 is agreement between
15 Wine, Liquor and Distillery Workers Union Local
16 1-D UFCW, AFL-CIO, CLC, and Empire Merchants
17 LLC. Have you seen that document before today?
18 **A. No.**
19 **MR. ROBERTS:** You wanted a break.
20 **MR. RIVERA:** Yes.
21 (A brief recess was taken from
22 11:46 a.m. to 11:52 a.m.)
23 Q. Staying with Exhibit 7, your time
24 cards, the pay period ending June 10, do you
25 see that? During that week you worked Monday,

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1 CAMPBELL
2 Tuesday, Thursday, and Friday; is that right?
3 **A. Yes.**
4 Q. And on every one of those days you
5 punched out during the day and back in during
6 the day, do you see that?
7 **A. Yes.**
8 Q. Does that mean you did warehouse
9 work?
10 **A. Yes.**
11 Q. Not helper work; is that right?
12 **A. No.**
13 Q. In the next week you worked
14 Tuesday, Wednesday, Thursday, and Friday; do
15 you see that?
16 **A. Yes.**
17 Q. And in that week you also punched
18 in and out during the day; is that right?
19 **A. Yes.**
20 Q. Does that mean you did warehouse
21 work?
22 **A. Yes.**
23 Q. On the week ending June 24th you
24 punched in on Tuesday and Wednesday; do you see
25 that?

<p style="text-align: right;">Page 61</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. And on Tuesday you punched out at</p> <p>4 12:03 and back in at 1:01 and then there's a</p> <p>5 punch at 4:59, does that mean you did warehouse</p> <p>6 work?</p> <p>7 A. Yes.</p> <p>8 Q. And on Wednesday was that your last</p> <p>9 day of work? You punched in at 8:01 and out at</p> <p>10 11:15?</p> <p>11 A. Yes.</p> <p>12 Q. Yes, it was your last day?</p> <p>13 A. Yes.</p> <p>14 Q. Is that right?</p> <p>15 A. Yeah.</p> <p>16 Q. Going, if we could, back to your</p> <p>17 interrogatory responses, that's Exhibit 4, on</p> <p>18 page 4 you are asked in interrogatory No. 6 to</p> <p>19 identify the supervisors and managers alleged</p> <p>20 in paragraph 20 of your Complaint to have</p> <p>21 directed defendants -- that's Empire's --</p> <p>22 day-to-day operations, managed the warehouse,</p> <p>23 assigned daily duties to you or handled your</p> <p>24 complaints, and you've identified Meyers, who</p> <p>25 we earlier saw as Mike Meyers, the dispatcher,</p>	<p style="text-align: right;">Page 63</p> <p>1 CAMPBELL</p> <p>2 addition to yourself you identify Mr. Meyers,</p> <p>3 the person named Carlos, and Mr. Ching and you</p> <p>4 don't identify anybody else, do you know of</p> <p>5 anybody else who would have knowledge</p> <p>6 concerning the manner in which you were</p> <p>7 scheduled to work?</p> <p>8 A. Another Asian guy, but I don't</p> <p>9 remember his name.</p> <p>10 Q. Do you know what his position was?</p> <p>11 A. I can't tell his title, but I know</p> <p>12 he's in the office and he's the guy who give me</p> <p>13 like the forms to fill out and like that.</p> <p>14 Q. What sort of forms did he give you</p> <p>15 to fill out?</p> <p>16 A. Like the W-2 and stuff like that.</p> <p>17 And he's the one who brings the paper to sign,</p> <p>18 like if you don't work for the day, he gives</p> <p>19 you the paper to sign.</p> <p>20 Q. Would you do that paper that you</p> <p>21 would sign if you didn't work for the day?</p> <p>22 A. Just a sheet like this with -- a</p> <p>23 regular sheet like this and like shape-up guy</p> <p>24 didn't work, they sign it also.</p> <p>25 Q. Do you know what was done with that</p>
<p style="text-align: right;">Page 62</p> <p>1 CAMPBELL</p> <p>2 you've identified Carlos, who you've earlier</p> <p>3 identified as being the warehouse manager who</p> <p>4 checked in the trucks when they returned, and</p> <p>5 you've identified which I think we know to be</p> <p>6 Jimmy Ching, the day warehouse manager; is that</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. And are there any other names that</p> <p>10 you know of people who directed the day-to-day</p> <p>11 operations or managed the warehouse or assigned</p> <p>12 daily duties to you or handled complaints?</p> <p>13 A. Not to my knowledge.</p> <p>14 Q. In interrogatory No. 7 you are</p> <p>15 asked to describe in detail and identify</p> <p>16 persons with knowledge of and documents</p> <p>17 concerning the manner in which you were</p> <p>18 scheduled to work for defendant, that's Empire,</p> <p>19 and your answer is there that you attest that</p> <p>20 on nearly each weekday of your employment you</p> <p>21 arrived around between 5:30 a.m. and 6 a.m. at</p> <p>22 the warehouse to wait for defendant to assign</p> <p>23 you with responsibilities or dismiss you for</p> <p>24 the day and when you're asked to identify</p> <p>25 people with knowledge of that, you identify in</p>	<p style="text-align: right;">Page 64</p> <p>1 CAMPBELL</p> <p>2 paper after it was signed?</p> <p>3 A. The guy once tell me -- because I</p> <p>4 asked him what is it good for, he told me it's</p> <p>5 for like unemployment records.</p> <p>6 Q. Did you understand what that meant?</p> <p>7 A. Yes.</p> <p>8 Q. What did you understand?</p> <p>9 A. Like if you file for unemployment,</p> <p>10 you can show that you are searching work or</p> <p>11 doing tasks, getting there at the job site,</p> <p>12 stuff like that.</p> <p>13 Q. In addition to this person you</p> <p>14 identified as another Asian guy, is there</p> <p>15 anybody else who would have information</p> <p>16 concerning the manner in which you were</p> <p>17 scheduled to work?</p> <p>18 A. Not that I know of.</p> <p>19 Q. Do you know if any of these people</p> <p>20 have information about the time that you</p> <p>21 arrived at work, arrived -- I'm sorry, you</p> <p>22 say -- arrived at the warehouse?</p> <p>23 A. They're supposed to.</p> <p>24 Q. What do you mean by that?</p> <p>25 A. Because when you come, you sign</p>

<p style="text-align: right;">Page 65</p> <p>1 CAMPBELL</p> <p>2 your name on the wall, on the sheet, so they</p> <p>3 must know.</p> <p>4 Q. When you sign in, did you put a</p> <p>5 time when you arrived?</p> <p>6 A. No.</p> <p>7 Q. And you say sometimes there were</p> <p>8 names ahead of yours?</p> <p>9 A. Yes.</p> <p>10 Q. And do you know if there were ever</p> <p>11 times when names were below yours?</p> <p>12 A. A lot of times, yes.</p> <p>13 Q. How did you know that?</p> <p>14 A. You can see. It's plain writing.</p> <p>15 You can see who on top or on the bottom or if</p> <p>16 you're on the bottom, who on top of you.</p> <p>17 Q. Looking at Exhibit 7, there was one</p> <p>18 day you started work at about 7:00; is that</p> <p>19 right? 7:04 maybe. I see 7:05 on -- in the</p> <p>20 week ending June 3rd; do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Other than that, almost all the</p> <p>23 days are around 8:00, maybe a little bit</p> <p>24 before, a little bit after, except for one 7:26</p> <p>25 in the week -- on the Thursday of the week</p>	<p style="text-align: right;">Page 67</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. The person using the loudspeaker,</p> <p>4 where was he based?</p> <p>5 A. The office.</p> <p>6 Q. Where were the speakers, as far as</p> <p>7 you recall?</p> <p>8 A. On the roof.</p> <p>9 Q. Outside in the yard too, right?</p> <p>10 A. Yes.</p> <p>11 Q. When you say on the roof, you mean</p> <p>12 the roof of what?</p> <p>13 A. Inside the warehouse. In the break</p> <p>14 room.</p> <p>15 Q. You call this a break room?</p> <p>16 A. Yes.</p> <p>17 Q. What do you mean by break room?</p> <p>18 A. There's lockers in there. That's</p> <p>19 where we sit in the morning.</p> <p>20 Q. When you say we sat there in the</p> <p>21 morning, who --</p> <p>22 A. All the workers waiting for work,</p> <p>23 for job assignments.</p> <p>24 Q. I see. The loudspeakers that were</p> <p>25 outside, where were they?</p>
<p style="text-align: right;">Page 66</p> <p>1 CAMPBELL</p> <p>2 ending May 27; do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. Now, these are the times that you</p> <p>5 punched in; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. And you knew that was when you were</p> <p>8 going to start getting paid, the time you</p> <p>9 punched in?</p> <p>10 A. Yes.</p> <p>11 Q. And you knew that you would be paid</p> <p>12 through the time you punched out; is that</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. And you also know, don't you, that</p> <p>16 if something happened where you should be paid</p> <p>17 for a longer time, like when you skipped the</p> <p>18 break, that that would be changed by the</p> <p>19 company so you'd get that extra time; isn't</p> <p>20 that right?</p> <p>21 A. Yes.</p> <p>22 Q. And you said there was a</p> <p>23 loudspeaker as I remember; is that right? I</p> <p>24 think you called it an AP or loudspeaker; is</p> <p>25 that right?</p>	<p style="text-align: right;">Page 68</p> <p>1 CAMPBELL</p> <p>2 A. I'm not sure.</p> <p>3 Q. You described the yard area though.</p> <p>4 What do you mean by the yard area?</p> <p>5 A. What did I say about the yard area?</p> <p>6 Q. You said the speakers were outside.</p> <p>7 A. No. I said the speakers inside.</p> <p>8 Q. And there were speakers outside</p> <p>9 too, right?</p> <p>10 A. I didn't say anything about</p> <p>11 speakers outside.</p> <p>12 Q. No? Just inside as far as you</p> <p>13 recall?</p> <p>14 A. Yes.</p> <p>15 Q. While people were waiting, were</p> <p>16 they allowed to smoke inside in the break room?</p> <p>17 A. No.</p> <p>18 Q. How do you know that?</p> <p>19 A. Because nobody can smoke inside.</p> <p>20 Q. Could they smoke outside?</p> <p>21 A. Yes.</p> <p>22 Q. Do you smoke?</p> <p>23 A. No.</p> <p>24 Q. But you saw people going outside to</p> <p>25 smoke?</p>

<p style="text-align: right;">Page 69</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. So they'd leave the break room and</p> <p>4 go outside if they wanted a smoke; is that</p> <p>5 right?</p> <p>6 A. Yes.</p> <p>7 Q. Were people allowed in the break</p> <p>8 room to use their cell phones if they wanted</p> <p>9 to?</p> <p>10 A. Yes.</p> <p>11 Q. And did you use your cell phone</p> <p>12 while you were in the break room?</p> <p>13 A. Not all the time.</p> <p>14 Q. But sometimes?</p> <p>15 A. Sometimes.</p> <p>16 Q. Did you use it to make phone calls?</p> <p>17 A. Mostly check Facebook and stuff</p> <p>18 like that.</p> <p>19 Q. I'm sorry, to check?</p> <p>20 A. Facebook.</p> <p>21 Q. Facebook?</p> <p>22 A. Yes.</p> <p>23 Q. So you would go on your Facebook</p> <p>24 account or other people's Facebook accounts</p> <p>25 while you were waiting?</p>	<p style="text-align: right;">Page 71</p> <p>1 CAMPBELL</p> <p>2 A. No.</p> <p>3 Q. There was a truck outside, wasn't</p> <p>4 there? A coffee truck?</p> <p>5 A. On the street.</p> <p>6 Q. On the street?</p> <p>7 A. Yes.</p> <p>8 Q. Did you see people leaving the</p> <p>9 break room to go out to the coffee truck while</p> <p>10 they were waiting?</p> <p>11 A. Most times they get their stuff</p> <p>12 when they're coming in.</p> <p>13 Q. And then could they eat and drink</p> <p>14 outside the warehouse as well as inside the</p> <p>15 warehouse?</p> <p>16 A. I guess.</p> <p>17 Q. Did you ever take your food outside</p> <p>18 the warehouse?</p> <p>19 A. No. If I buy something, I buy it</p> <p>20 and I come in. On my way in and eat it.</p> <p>21 Q. You'd eat it while you were</p> <p>22 waiting; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. When you say you'd buy it, do you</p> <p>25 mean you bought it from that coffee truck that</p>
<p style="text-align: right;">Page 70</p> <p>1 CAMPBELL</p> <p>2 A. No. Just check if I get a message</p> <p>3 or stuff like that.</p> <p>4 Q. Nobody ever said if you're going to</p> <p>5 check your Facebook account, you have to go</p> <p>6 outside and do that?</p> <p>7 A. No.</p> <p>8 Q. You could do that inside?</p> <p>9 A. Yes.</p> <p>10 Q. Did you sometimes get text messages</p> <p>11 when you were waiting in the break room?</p> <p>12 A. A few times.</p> <p>13 Q. And sometimes you responded to text</p> <p>14 messages while you were waiting?</p> <p>15 A. Yeah.</p> <p>16 Q. Did they permit eating inside the</p> <p>17 break room?</p> <p>18 A. Yes.</p> <p>19 Q. So some people would eat while they</p> <p>20 were waiting?</p> <p>21 A. Yes.</p> <p>22 Q. And did you ever see anybody be</p> <p>23 told, "You can't eat in here, you have to go</p> <p>24 outside if you're going to eat while you're</p> <p>25 waiting"?</p>	<p style="text-align: right;">Page 72</p> <p>1 CAMPBELL</p> <p>2 was outside the gate?</p> <p>3 A. Yes.</p> <p>4 Q. Do you know what time that coffee</p> <p>5 truck got there?</p> <p>6 A. Never really checked it.</p> <p>7 Q. Was it always there when you</p> <p>8 arrived?</p> <p>9 A. No. Sometimes I arrive before the</p> <p>10 coffee truck and I'll get coffee inside. They</p> <p>11 sell coffee inside the break room. In the</p> <p>12 office they have coffee in there. You can buy</p> <p>13 a cup from them.</p> <p>14 Q. Is that from a vending machine</p> <p>15 or --</p> <p>16 A. No. From the same guys in the</p> <p>17 warehouse, the office.</p> <p>18 Q. So there was a coffee pot?</p> <p>19 A. Yes.</p> <p>20 Q. And you could buy coffee there?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know who you gave the money</p> <p>23 to?</p> <p>24 A. Nick.</p> <p>25 Q. Nick?</p>

<p style="text-align: right;">Page 73</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. The guys sometimes were playing</p> <p>4 cards, weren't they?</p> <p>5 A. Who?</p> <p>6 Q. The guys inside the break room were</p> <p>7 sometimes playing cards?</p> <p>8 A. Yes.</p> <p>9 Q. Did you ever play cards with the</p> <p>10 guys in the break room?</p> <p>11 A. No.</p> <p>12 Q. And they sometimes played dominoes?</p> <p>13 A. I've never seen dominoes.</p> <p>14 Q. Was it the same guys who always</p> <p>15 played the same card games?</p> <p>16 A. Yes. The same bunch of guys always</p> <p>17 play.</p> <p>18 Q. Do you know if they were -- you</p> <p>19 didn't know any of them by name though?</p> <p>20 A. No.</p> <p>21 Q. Were there more than one card game</p> <p>22 going on at any one time?</p> <p>23 A. No.</p> <p>24 Q. Always the same card game?</p> <p>25 A. Always the same card game.</p>	<p style="text-align: right;">Page 75</p> <p>1 CAMPBELL</p> <p>2 account if you wanted to?</p> <p>3 A. Yes. I guess.</p> <p>4 Q. And could you respond to text</p> <p>5 messages if you wanted in the break room?</p> <p>6 A. Yeah.</p> <p>7 Q. Could you make or receive cell</p> <p>8 phone calls if you wanted to in the break room?</p> <p>9 A. Yes.</p> <p>10 Q. But you and others weren't allowed</p> <p>11 to smoke in the break room were you? That had</p> <p>12 to happen outside?</p> <p>13 A. Yes.</p> <p>14 Q. And was there a truck that came at</p> <p>15 lunch time to sell lunches that stayed outside</p> <p>16 the gate?</p> <p>17 A. No. That truck come inside.</p> <p>18 Q. There was a truck that came inside</p> <p>19 the gate at lunch time?</p> <p>20 A. Yeah. Lunch time, break time truck</p> <p>21 coming in.</p> <p>22 Q. Were people allowed to go out into</p> <p>23 that area and buy their lunches when they</p> <p>24 clocked out for lunch?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 74</p> <p>1 CAMPBELL</p> <p>2 Q. Did they sell newspapers inside the</p> <p>3 break room?</p> <p>4 A. No. I've never seen it.</p> <p>5 Q. But you saw people reading</p> <p>6 newspapers; is that right?</p> <p>7 A. I think so.</p> <p>8 Q. Now, on your break time on the days</p> <p>9 you worked inside the warehouse, I mean, when</p> <p>10 you'd clock in and out, it was usually an hour;</p> <p>11 is that right? For the lunch break?</p> <p>12 A. Yes.</p> <p>13 Q. On your lunch break did you have a</p> <p>14 place where you ate your lunch?</p> <p>15 A. Yes. They have a break room</p> <p>16 upstairs inside the warehouse above the office</p> <p>17 area.</p> <p>18 Q. Could you go back to the other</p> <p>19 break room, the one where you signed in also?</p> <p>20 A. Yes.</p> <p>21 Q. And you could eat your lunch there</p> <p>22 if you wanted?</p> <p>23 A. Yes.</p> <p>24 Q. In that break room during your</p> <p>25 lunch time could you check your Facebook</p>	<p style="text-align: right;">Page 76</p> <p>1 CAMPBELL</p> <p>2 Q. Other than your lunch time, were</p> <p>3 there other breaks when you worked inside at</p> <p>4 the warehouse?</p> <p>5 A. Yes. We get a ten-minute break.</p> <p>6 Q. One ten-minute break?</p> <p>7 A. From in the morning and if you go</p> <p>8 over like after 12, then -- if you go to 3 --</p> <p>9 if you go till 3, then you get another break,</p> <p>10 ten-minute break.</p> <p>11 Q. Looking at Exhibit 7, most days</p> <p>12 when you worked inside the warehouse did you go</p> <p>13 past 3:00? You may look.</p> <p>14 A. Yes.</p> <p>15 Q. So if you worked past 3:00 on any</p> <p>16 of these days that you were doing warehouse</p> <p>17 work, you got a second break; is that right?</p> <p>18 A. Yes.</p> <p>19 Q. And during that break what were you</p> <p>20 allowed to do?</p> <p>21 A. Anything you want to do. Eat,</p> <p>22 smoke, drink anything, drink like water, soda.</p> <p>23 Q. Were there areas where you could do</p> <p>24 that?</p> <p>25 A. Yes. Outside.</p>

<p style="text-align: right;">Page 77</p> <p>1 CAMPBELL</p> <p>2 Q. Outside the warehouse?</p> <p>3 A. Yes.</p> <p>4 Q. Or in the break room?</p> <p>5 A. To eat or to smoke you have to go</p> <p>6 outside.</p> <p>7 Q. When you were in the break room,</p> <p>8 whether it was during your lunch or during your</p> <p>9 breaks, was there any requirement that you not</p> <p>10 talk with the other people who were waiting?</p> <p>11 A. Was there any requirement --</p> <p>12 Q. I'm sorry, was there any</p> <p>13 requirement that you not talk with the other</p> <p>14 people who were also in the room at the time?</p> <p>15 A. No.</p> <p>16 Q. That was true when you were waiting</p> <p>17 too, you were allowed to talk to each other?</p> <p>18 A. Yes.</p> <p>19 Q. You started in the end of -- I</p> <p>20 think your first day was April 1st and then</p> <p>21 your last day was June 22nd. If the weather</p> <p>22 was nice, did you see people -- they were</p> <p>23 allowed to go out into the yard during their</p> <p>24 breaks and before they punched in; is that</p> <p>25 right?</p>	<p style="text-align: right;">Page 79</p> <p>1 CAMPBELL</p> <p>2 truthful; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. It also refers to being employed</p> <p>5 for 84 days. Did you actually work every one</p> <p>6 of 84 days between April 1st and June 22nd?</p> <p>7 A. Rephrase.</p> <p>8 Q. If you look at your time cards that</p> <p>9 you punched, that's not 84 days that you</p> <p>10 punched in and out, right?</p> <p>11 A. I never really checked it.</p> <p>12 Q. Okay. In interrogatory No. 12 it</p> <p>13 says, "Describe in detail and identify persons</p> <p>14 with knowledge of and documents concerning your</p> <p>15 activities during the time you spent waiting to</p> <p>16 receive a work assignment through defendant's</p> <p>17 shape-up procedure on each day you reported to</p> <p>18 work at the warehouse to seek work through the</p> <p>19 shape-up procedure." Once again you object and</p> <p>20 you say it would be unduly burdensome on you if</p> <p>21 you were forced to describe those things in</p> <p>22 detail for each of the 84 days. Does that</p> <p>23 remain your answer now too?</p> <p>24 A. Yes.</p> <p>25 Q. In interrogatory No. 13 it says,</p>
<p style="text-align: right;">Page 78</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. Do you remember there was sometimes</p> <p>4 people who were playing football or soccer,</p> <p>5 throwing a ball around or kicking a ball</p> <p>6 around?</p> <p>7 A. No.</p> <p>8 Q. You don't remember seeing that?</p> <p>9 A. No</p> <p>10 Q. No. Let's go back, if we could, to</p> <p>11 Exhibit 4, that's your responses to the</p> <p>12 interrogatories. In interrogatory No. 10 you</p> <p>13 say -- the question is, "Describe in detail and</p> <p>14 identify persons with knowledge of and</p> <p>15 documents concerning the time you reported to</p> <p>16 work on each day you were employed by</p> <p>17 defendant," that's Empire, and there's an</p> <p>18 objection.</p> <p>19 In other of your interrogatory</p> <p>20 responses you said you would have knowledge of</p> <p>21 that, here there's an objection and you say</p> <p>22 that it would be unduly burdensome on you if</p> <p>23 you were forced to describe in detail and</p> <p>24 identify persons knowing when you arrived.</p> <p>25 That remains your answer today and it's</p>	<p style="text-align: right;">Page 80</p> <p>1 CAMPBELL</p> <p>2 "Describe in detail the basis for and identify</p> <p>3 persons with knowledge of and documents</p> <p>4 concerning the allegations in paragraph 35 of</p> <p>5 your Complaint that after checking in</p> <p>6 Mr. Campbell could not leave the warehouse or</p> <p>7 use waiting time for his own purposes" and you</p> <p>8 say in answer to that that it would damage your</p> <p>9 reputation, what's your reason for saying that?</p> <p>10 A. My lawyer can answer for me.</p> <p>11 Q. I'm sorry?</p> <p>12 A. My lawyer can answer that question.</p> <p>13 Q. But you cannot; is that right?</p> <p>14 A. Yes.</p> <p>15 Q. Now, were you ever disciplined</p> <p>16 during the time you were working for Empire --</p> <p>17 and let's just say before June 22nd -- for the</p> <p>18 way you performed your work?</p> <p>19 A. No.</p> <p>20 Q. Were you ever disciplined for</p> <p>21 drinking coffee or soda or water while you were</p> <p>22 working?</p> <p>23 A. No.</p> <p>24 Q. Did you ever drink coffee or soda</p> <p>25 or water while you were working?</p>

<p style="text-align: right;">Page 81</p> <p>1 CAMPBELL</p> <p>2 A. No.</p> <p>3 Q. Were you ever disciplined for using</p> <p>4 your cell phone while you were working?</p> <p>5 A. No.</p> <p>6 Q. Did you ever use your cell phone</p> <p>7 while you were working?</p> <p>8 A. Not in the warehouse.</p> <p>9 Q. Were you ever disciplined for</p> <p>10 checking your Facebook account while you were</p> <p>11 working?</p> <p>12 A. No.</p> <p>13 Q. Did you ever check your Facebook</p> <p>14 account while you were doing work?</p> <p>15 A. No.</p> <p>16 Q. Were you ever disciplined for</p> <p>17 eating while you were working?</p> <p>18 A. No.</p> <p>19 Q. Did you ever eat during work time?</p> <p>20 A. No.</p> <p>21 Q. Did you ever see people playing</p> <p>22 cards during work time?</p> <p>23 A. The guys that I saw playing cards,</p> <p>24 they play cards early and if they call them,</p> <p>25 they stop playing and go to work.</p>	<p style="text-align: right;">Page 83</p> <p>1 CAMPBELL</p> <p>2 correctly paid for skipping a break; is that</p> <p>3 right?</p> <p>4 A. Yes.</p> <p>5 Q. Other than that was there any other</p> <p>6 day that you were aware of where you wanted a</p> <p>7 change in the times you punched in and out?</p> <p>8 A. Not that I recall.</p> <p>9 Q. Well, do you want to look at</p> <p>10 Exhibit 7 and see if that refreshes your</p> <p>11 recollection?</p> <p>12 A. No.</p> <p>13 Q. It doesn't refresh your</p> <p>14 recollection at all; is that right?</p> <p>15 A. Yes.</p> <p>16 Q. In interrogatory No. 21 that's on</p> <p>17 page 9 it says, "Describe in detail and</p> <p>18 identify persons with knowledge of and</p> <p>19 documents concerning any documents filed by</p> <p>20 plaintiff," -- you -- "or on your behalf with</p> <p>21 any tax, unemployment insurance, social</p> <p>22 welfare, or other federal, state, or municipal</p> <p>23 government agency, department, or bureau,</p> <p>24 showing or referring to or otherwise concerning</p> <p>25 your employment with Empire."</p>
<p style="text-align: right;">Page 82</p> <p>1 CAMPBELL</p> <p>2 Q. And you never saw anybody</p> <p>3 disciplined for playing cards then; is that</p> <p>4 right?</p> <p>5 A. No.</p> <p>6 Q. Did you ever see anybody</p> <p>7 disciplined for reading a newspaper during work</p> <p>8 time?</p> <p>9 A. Not to my knowledge.</p> <p>10 Q. Did you ever see anybody reading a</p> <p>11 newspaper during work time who you thought</p> <p>12 should have been disciplined?</p> <p>13 A. I've never seen it.</p> <p>14 Q. Never saw anybody reading a</p> <p>15 newspaper during work time?</p> <p>16 A. No.</p> <p>17 Q. In interrogatory No. 18 that's on</p> <p>18 page 8, it says, "Describe in detail and</p> <p>19 identify persons with knowledge of and</p> <p>20 documents concerning any hours you worked for</p> <p>21 which you did not receive proper compensation</p> <p>22 from Empire" and you object that it would be</p> <p>23 overly burdensome for you to do that. We saw</p> <p>24 that there was one day when your punch card,</p> <p>25 time card was adjusted so you could get</p>	<p style="text-align: right;">Page 84</p> <p>1 CAMPBELL</p> <p>2 Do you remember filing any</p> <p>3 documents with unemployment insurance saying</p> <p>4 that you worked for Empire?</p> <p>5 A. No.</p> <p>6 Q. After your employment at Empire</p> <p>7 ended, did you apply for unemployment</p> <p>8 insurance?</p> <p>9 A. I did, but I didn't get it.</p> <p>10 Q. Do you know why you didn't get it?</p> <p>11 A. Because I couldn't get -- I</p> <p>12 couldn't get the documents right, the dates and</p> <p>13 stuff like that. They wanted more evidence and</p> <p>14 I didn't get them at the time.</p> <p>15 Q. Did you file any documents with any</p> <p>16 social or welfare agency that referred to your</p> <p>17 employment with Empire?</p> <p>18 A. No.</p> <p>19 Q. Do you remember if there was any</p> <p>20 other agency or department or bureau of a</p> <p>21 federal or state or New York government agency</p> <p>22 that you filed that refer to your employment?</p> <p>23 A. Unemployment is the only one.</p> <p>24 Q. Okay.</p> <p>25 A. No more.</p>

<p style="text-align: right;">Page 85</p> <p>1 CAMPBELL</p> <p>2 Q. Okay. And of course taxes, right?</p> <p>3 A. Huh?</p> <p>4 Q. And the Internal Revenue Service</p> <p>5 and state tax agencies, you filed with them</p> <p>6 too, right? For tax purposes did you file a</p> <p>7 tax return?</p> <p>8 A. Oh, yes.</p> <p>9 Q. That referred to your employment?</p> <p>10 A. Yes.</p> <p>11 MR. ROBERTS: It's 12:30. Why</p> <p>12 don't we take -- do you want about a half</p> <p>13 hour break for lunch?</p> <p>14 MR. RIVERA: It depends. How long</p> <p>15 do you anticipate going this afternoon?</p> <p>16 MR. ROBERTS: I wouldn't think</p> <p>17 we're going to go -- probably we should</p> <p>18 end well before 4.</p> <p>19 MR. RIVERA: Okay.</p> <p>20 (A lunch recess was taken from</p> <p>21 12:32 p.m. to 1:11 p.m.)</p> <p>22 Q. Mr. Campbell, your Complaint in</p> <p>23 this lawsuit, in this action, is Exhibit 1,</p> <p>24 would you look at that, please. On page 5 in</p> <p>25 your Complaint in paragraph 34 the Complaint</p>	<p style="text-align: right;">Page 87</p> <p>1 CAMPBELL</p> <p>2 A. Yes.</p> <p>3 Q. In the week of April 29th you went</p> <p>4 out on the truck and that started between 8 and</p> <p>5 8:10; is that right?</p> <p>6 A. Yes.</p> <p>7 Q. The next week you went out on the</p> <p>8 trucks, it's the week of May 6th, and you went</p> <p>9 out between 7:58 and 8:11; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. In the week of May 27th one day you</p> <p>12 went out on the truck starting at 7:26; is that</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Punching in at 7:26 in the morning?</p> <p>16 A. Yes.</p> <p>17 Q. Two other days that week, Wednesday</p> <p>18 and Friday, you went out on a truck and one day</p> <p>19 you went out at 8:12 and the other you went out</p> <p>20 at 8:03; is that right?</p> <p>21 A. Sure.</p> <p>22 Q. One day that week, Tuesday, you</p> <p>23 worked in the warehouse and you punched in at</p> <p>24 8:01, right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 86</p> <p>1 CAMPBELL</p> <p>2 says, "Empire had three morning shifts for</p> <p>3 shape-up employees." What's your reason for</p> <p>4 saying there were three morning shifts for</p> <p>5 shape-up employees?</p> <p>6 A. Because one shift started at 7, one</p> <p>7 started at 8, and one at 9.</p> <p>8 Q. What do you mean by a shift?</p> <p>9 A. The starting time.</p> <p>10 Q. A starting time?</p> <p>11 A. Yeah.</p> <p>12 Q. A starting time for what?</p> <p>13 A. You start when they call you. They</p> <p>14 call you and say, "We're going to use you</p> <p>15 today."</p> <p>16 Q. Well, take a look at Exhibit 7.</p> <p>17 Those are your time cards, right?</p> <p>18 A. Yes.</p> <p>19 Q. Every day you worked in the</p> <p>20 warehouse you started at about -- just around</p> <p>21 8:00, right?</p> <p>22 A. Yes.</p> <p>23 Q. On most days -- well, the first day</p> <p>24 you worked, which is April 1st, it looks like</p> <p>25 you went out on the truck at 7:30?</p>	<p style="text-align: right;">Page 88</p> <p>1 CAMPBELL</p> <p>2 Q. In the week of June 3rd you went</p> <p>3 out on the truck two days, one day you went out</p> <p>4 at 7:05 and the other at 7:54; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And two other days you worked</p> <p>7 inside in the warehouse Tuesday and Friday?</p> <p>8 A. Yes.</p> <p>9 Q. One day starting at 8:06 and one</p> <p>10 day, Friday, starting at 8:15?</p> <p>11 A. Yes.</p> <p>12 Q. In the next week, June 10th, you</p> <p>13 worked Monday, Tuesday, Thursday, and Friday</p> <p>14 and you punched in 7:59 on Thursday, and</p> <p>15 between 8 and 8:07 the other two days; is that</p> <p>16 right?</p> <p>17 A. Yes.</p> <p>18 Q. Incidentally, do you know why you</p> <p>19 didn't work on Wednesday that week?</p> <p>20 A. I think there was no job for me</p> <p>21 that day.</p> <p>22 Q. So you just went home, as far as</p> <p>23 you recall?</p> <p>24 MR. RIVERA: Please make sure to</p> <p>25 verbalize your responses so the court</p>

<p style="text-align: right;">Page 89</p> <p>1 CAMPBELL</p> <p>2 reporter can pick them up.</p> <p>3 A. They said there was no work for me</p> <p>4 that day so I signed the paper and they said,</p> <p>5 "Go home."</p> <p>6 Q. Did you show up every Monday?</p> <p>7 A. Not regularly because I asked the</p> <p>8 same Asian guy and they said Monday -- most</p> <p>9 time Mondays are slow days, so if I go on</p> <p>10 Monday, most time I don't get work. Sometimes</p> <p>11 I get work.</p> <p>12 Q. So you stopped going on Mondays?</p> <p>13 MR. RIVERA: Objection. You can</p> <p>14 answer.</p> <p>15 A. No. Some days.</p> <p>16 Q. You didn't go on Mondays?</p> <p>17 A. Some days.</p> <p>18 Q. Now, do you know any other shape-up</p> <p>19 worker -- I'm sorry, never mind.</p> <p>20 Looking at Exhibit 2, if you would,</p> <p>21 please, on the first page it says -- this is</p> <p>22 what's called Plaintiff's Initial Disclosures.</p> <p>23 A. Yes.</p> <p>24 Q. On page -- on the first page</p> <p>25 there's Roman numeral II, potential witnesses;</p>	<p style="text-align: right;">Page 91</p> <p>1 CAMPBELL</p> <p>2 shape-up workers wait time and work schedule --</p> <p>3 you name someone named "Nelson" and then it's</p> <p>4 "(last name unknown to plaintiff)" and under</p> <p>5 the column title/relationship you identify</p> <p>6 Nelson as a shape-up employee at defendant.</p> <p>7 How do you know Nelson as a shape-up employee?</p> <p>8 A. Most times we have the same tasks</p> <p>9 and we talk in the break room.</p> <p>10 Q. So you talked in the break room,</p> <p>11 that means you were talking before you were</p> <p>12 called for a job, is that what you mean? Or</p> <p>13 during lunch? Or what do you mean by talking</p> <p>14 in the break room?</p> <p>15 A. We spoke during work sitting</p> <p>16 waiting for work and during lunch time we</p> <p>17 talked.</p> <p>18 Q. And you identify somebody named</p> <p>19 Mike, last name unknown, and you say he's a</p> <p>20 forklift operator?</p> <p>21 A. Yes.</p> <p>22 Q. Where did you see Mike at the</p> <p>23 Empire facility?</p> <p>24 A. Mike would dispatch me to -- he</p> <p>25 gave me the assignment to work with Mike. The</p>
<p style="text-align: right;">Page 90</p> <p>1 CAMPBELL</p> <p>2 do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And the text there is, "Name and if</p> <p>5 known the address and telephone number of each</p> <p>6 individual likely to have discoverable</p> <p>7 information along with the subjects of that</p> <p>8 information that the disclosing party may use</p> <p>9 to support its claims or defenses" and on the</p> <p>10 first page you are identified as witnessing all</p> <p>11 allegations in the Complaint, the next two</p> <p>12 people are identified as witnessing what's</p> <p>13 called alleged sexual harassment and then on</p> <p>14 the next page, page 2, there are two people who</p> <p>15 are identified as having the same information</p> <p>16 and it says "Witnessed shape-up workers wait</p> <p>17 time and work "schedule"; do you see that?</p> <p>18 A. What number are you on?</p> <p>19 Q. This is on the top of page 2. And</p> <p>20 that continues from what was on the page</p> <p>21 before.</p> <p>22 A. Yes.</p> <p>23 Q. So there are -- of the seven people</p> <p>24 who are listed, you are one on page 1 and then</p> <p>25 on page 2 the people who you say witnessed</p>	<p style="text-align: right;">Page 92</p> <p>1 CAMPBELL</p> <p>2 supervisor Mike would assign it to the forklift</p> <p>3 driver Mike.</p> <p>4 Q. What sort of work did you do with</p> <p>5 Mike the forklift operator?</p> <p>6 A. We sort pallets, like broken ones</p> <p>7 from good ones, we put them together, the</p> <p>8 broken ones with the broken ones and the good</p> <p>9 ones with the good ones and Mike would use the</p> <p>10 forklift and pick them up.</p> <p>11 Q. So you would sort pallets and</p> <p>12 separate the broken and unbroken ones?</p> <p>13 A. Yes.</p> <p>14 Q. Do you know what time Mike started</p> <p>15 working on his assignment as a forklift</p> <p>16 operator?</p> <p>17 A. I'm not sure. But when I'm</p> <p>18 assigned to work with Mike, he's always there</p> <p>19 before me so I don't know what time he starts.</p> <p>20 Q. Is Mike somebody who you would see</p> <p>21 in the break room before the shape-up or was he</p> <p>22 already in the warehouse?</p> <p>23 A. No. In the warehouse.</p> <p>24 Q. Take a look at page 3 of this same</p> <p>25 exhibit, Exhibit 2, if you would. Close to the</p>

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1 CAMPBELL
2 top of the page it says, "monetary damages"; do
3 you see that?
4 **A. Yes.**
5 Q. And Roman numeral I is wage and
6 hour damages; do you see that?
7 **A. Yes.**
8 Q. Did you have anything to do with
9 calculating these damages?
10 **MR. RIVERA:** Objection. You can
11 answer the question to the extent that you
12 can without revealing any attorney/client
13 communication.
14 **A. Rephrase.**
15 Q. Did you have anything to do with
16 calculating these damages?
17 **A. No.**
18 **MR. ROBERTS:** Off the record for
19 just a little bit.
20 (A brief recess was taken from 1:24
21 p.m. to 1:27 p.m.)
22 **MR. ROBERTS:** This deposition was
23 authorized by the Court for the purpose of
24 focused discovery and as to that focused
25 discovery, I have no further questions so

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1 CAMPBELL
2 I can conclude today's deposition.
3 **MR. RIVERA:** Okay. I just have a
4 couple of questions to ask the witness
5 just to clarify his last response.
6 EXAMINATION BY
7 **MR. RIVERA:**
8 Q. About how much time would pass
9 between when you arrived at the work site and
10 when you were either assigned work or
11 dismissed?
12 **A. An hour and a half, two hours**
13 **sometimes.**
14 Q. Is that estimate contained in page
15 3 of Exhibit 2 anywhere?
16 **A. Yes.**
17 Q. Can you read where?
18 **A. (As read) During this employment**
19 **with defendant between approximately April 4,**
20 **2016, and June 22, 2016, plaintiff earnings was**
21 **13 per hour for work performed in different**
22 **warehouses, location -- location and \$14 per**
23 **hour for work performed on defendant's delivery**
24 **trucks as described in the Complaint.**
25 **Plaintiff works various work schedule of**

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1 CAMPBELL
2 **between 8 and 45.25 hours per week for which he**
3 **was paid. Plaintiff also was engaged to wait**
4 **for approximately 3.5 hours per day five days**
5 **per week for which he was not paid.**
6 Q. When you gave these numbers, were
7 those estimates accurate in your opinion?
8 **A. Yes.**
9 Q. Do you still believe they're
10 accurate, those estimates?
11 **A. Yes.**
12 **MR. RIVERA:** That's all I have.
13 **MR. ROBERTS:** I have nothing
14 further.
15 (Time noted: 1:31 p.m.)
16
17
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1 A C K N O W L E D G E M E N T
2
3 STATE OF)
4 : ss
5 COUNTY OF)
6
7 I, DERRICK CAMPBELL, hereby
8 certify that I have read the transcript of my
9 testimony taken under oath in my deposition;
10 that the transcript is a true, complete and
11 correct record of my testimony, and that the
12 answers on the record as given by me are true
13 and correct.
14
15
16
17 _____
18 DERRICK CAMPBELL
19 Signed and subscribed to before
20 me, this ____ day of _____, _____.
21
22 _____
23
24 Notary Public, State of _____
25

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1 C E R T I F I C A T E

2

3 STATE OF NEW YORK)

4)

5 COUNTY OF NEW YORK)

6

7 I, MICHELE MOSKOWITZ, a Shorthand Reporter
8 and Notary Public within and for the State of
9 New York, do hereby certify:

10 That DERRICK CAMPBELL, the witness whose
11 examination is hereinbefore set forth, was duly
12 sworn by me and that this transcript of such
13 examination is a true record of the testimony
14 given by such witness.

15 I further certify that I am not related to
16 any of the parties to this action by blood or
17 marriage and that I am in no way interested in
18 the outcome of this matter.

19 IN WITNESS WHEREOF, I have hereunto set my
20 hand this 6th day of April, 2017.

21

22

23

24 _____

25 MICHELE MOSKOWITZ

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1 ***ERRATA SHEET***

2 ELLEN GRAUER COURT REPORTING CO. LLC
3 126 East 56th Street, Fifth Floor
4 New York, New York 10022
5 212-750-6434

6 NAME OF CASE: CAMPBELL v. EMPIRE MERCHANTS
7 DATE OF DEPOSITION: MARCH 27, 2017
8 NAME OF WITNESS: DERRICK CAMPBELL

9	PAGE	LINE	FROM	TO	REASON
10	____	____	____	____	____
11	____	____	____	____	____
12	____	____	____	____	____
13	____	____	____	____	____
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21 _____

22 Subscribed and sworn before me

23 this ____ day of _____, 2017.

24 _____

25 Notary Public My Commission Expires

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